

Journal of Proceedings

OF THE COMMON COUNCIL OF THE CITY OF OLEAN, N.Y.

September 11, 2018

***COMMON COUNCIL CHAMBERS
COUNTY OF CATTARAUGUS
STATE OF NEW YORK***

A Regular Meeting of the Olean Common Council of the City of Olean was held on Tuesday, September 11, 2018 at 6:40 p.m.

PRESENT: *Aldermen Crawford, Witte, Andreano, Gonzalez, Dougherty, Smith, and George*

ABSENT: *None*

OFFICIALS: *Mayor William Aiello; Lens Martial, City Clerk; Nicholas DiCerbo, Jr., City Attorney; Fred Saradin, City Auditor; Bob Ring, Director of Public Works; Bob Bell, Fire Chief, and Tiffany Taylor, Managerial Confidential Administrative Secretary*

At this time a prayer was given by Alderman Crawford, followed by a salute to the flag.

***READING, CORRECTING & APPROVAL OF THE MINUTES OF THE
PREVIOUS REGULAR MEETING***

A motion to approve the minutes of the August 28, 2018 meeting was made by Alderman Gonzalez, seconded by Alderman Goerge. Voice vote, ayes all. Motion carried.

COMMITTEE REPORTS & UNFINISHED COUNCIL BUSINESS

None

COMMUNICATIONS FROM THE MAYOR

None

MISCELLANEOUS COMMUNICATIONS

None

CITY OFFICIAL REPORTS

None

PROPOSED LEGISLATION AND REFERRALS

PL #95-18: (George) To authorize the installation of a "Do Not Block Driveway" sign in the vicinity of 1012-1016 North Union Street. Referred to Regular Meeting Tuesday, September 25, 2018 for Resolution by Council President.

PL #96-18: (George) To authorize the installation of "STOP" signs and designating that all traffic shall stop before proceeding on all four corners at the intersection of Spruce Street and West Elm Street. Referred to Public Safety Committee by Council President.

PL #97-18: (Crawford) To order the removal of the structure located at 122 East Henley Street. Referred to Committee of the Whole Tuesday, September 11, 2018 by Council President.

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PL #98-18: (Aiello) To authorize the use of Community Development Block Grant Program Income funds for the demolition of 331 North 13th Street. Referred to City Operations Committee by Council President.

PL #99-18: (Aiello) To authorize the use of Community Development Block Grant Program Income funds for the demolition of 213 West Greene Street. Referred to City Operations Committee by Council President.

PUBLIC COMMENT/INPUT

Jerry leFeber of 707 Main Street explained that he served for 3 ½ years as an Alderman, and he understands that one serves not because of the money, otherwise they would have resigned. He feels that it is impossible to balance remuneration with public service. He suggested that a 2 to 3 member ad hoc committee made up of local business leaders discuss the topic and make a recommendation to the Council. He is confident in the Council's judgment and that they will arrive at the right decision.

Kevin Bartholomew of 737 Bishop Street explained that he feels that the Mayor and Council do deserve a raise after 24 years, but he does not feel that such a large raise is appropriate.

Rick Smith of 209 North 15th Street thanked the Council for their support of the Southern Tier Anesthesiologist group. He spoke against the decision of the hospital to discontinue their contracts with STA and work with an out of town group.

Scott Paoletto of 318 North 11th Street asked how many fire hydrants are in the City, how many work to 100%, and where the ones are located that do not work 100%. He also suggested extra charges or fines to anyone found producing methamphetamine as a deterrent. He also expressed that the City and its citizens should practice emergency preparedness.

Peter Ash of 1410 West Henley Street and an employee of John Ash Cleaners explained that when customers leave the establishment, they have to dodge bicycles racing down the sidewalk. One customer was hit and knocked unconscious. He explained that this is a very dangerous situation and someone could be gravely injured. He also mentioned that he would like to see more of a police presence at the Olean City Schools events.

Mayor Aiello responded that there is a School Resource Officer assigned by the City Police Department to the school, who attends after school event as wells. He will also have further conversations regarding this concern.

Alderman Crawford responded that over the weekend, his son was almost hit by a bicycle flying down the sidewalk, while another bicyclist had to hit the side of the building to get out of the way. He is absolutely, completely in agreement that this is an issue, and this is not the first time he's heard this concern. He thanked Mr. Ash for bringing it to the Council's attention.

Alderman Gonzalez expressed that adults should be using bicycle lanes and the roadway, and should not be on the sidewalks. He also feels that motorists should be more aware of pedestrians in crosswalks.

FINANCE / BILLS

None

RESOLUTIONS

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RESOLUTION #95-18

PL #65-18

By Alderman Smith, Seconded by Alderman George

TO AMEND THE CITY OF OLEAN CODE OF ORDINANCES CHAPTER 21, ARTICLE III, AND CHAPTER 22, ARTICLE VI, SECTION 22-141, TO AMEND REQUIREMENTS FOR THE TREE BOARD AND TREE PLANTING AND REMOVAL RULES AND REGULATIONS

RESOLVED, that the City of Olean Code of Ordinances Chapter 21, Article III is hereby amended as follows:

ARTICLE ARTICLE III TREES AND SHRUBS

Sec. 21-56 Tree board established.

- (a) *The mayor, with the approval of the common council, shall appoint a tree board consisting of five members, two of whom shall be sitting members of the Common Council, one of whom shall be the Mayor, one of whom shall be the Director of Public Works, and the remaining member shall be a resident of the City. The president of the common council shall be an ex officio member of the tree board. The term of the common council members appointed shall be for two years. The term of the other members shall be three years. All terms shall expire on December 31. If a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of that person's term.*
- (b) *The members of the tree board shall serve without compensation.*
- (c) *It shall be the responsibility of the tree board to administer the tree ordinances and to recommend to the Common Council such proceedings, acts, or actions as will support the City tree program. It shall be the responsibility of the board to study, investigate, counsel, update, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be presented by annual report to the common council. The board, when requested by the common council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work.*

Sec. 21-57 Permit to plant trees or shrubs required.

- (a) *No trees or shrubbery shall be planted by abutting landowners nor any trees removed, between the street line and curblin within the City, without receiving a permit in writing from the Department of Public Works approved by the Common Council.*
- (b) *The permit, if granted, may specify such reasonable terms and conditions to be required for the proposed action, as may be determined by the Common Council and the following provisions:*

Tree Planting Specifications and Selections

- *Use street grade trees following "American Standard Nursery Stock (ANSI 60.1)*
- *No damage to trunk or leaders*
- *No girdling roots*
- *Strong central leaders on trees (no co-dominant stems or included bark)*
- *Caliper to be 1.5"-3" for B&B and 1.5"-2.5" for bare root trees*

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- *Acceptable tree species shall be determined by Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>*
- *Proper judgment shall be used in tree placement by City Forester following the proceeding standards*

Spacing Requirements for Street Trees

- *30' minimum spacing between trees*
- *15' minimum spacing from utility/light poles, fire hydrants*
- *45' minimum distance from corner with traffic signal present*
- *30' minimum distance from all other corners*
- *5' minimum distance from any driveway, 3' minimum distance from any sidewalk*
- *5' minimum distance from underground utility lines, water service boxes, etc.*

Site Requirements for Street Trees (Applies within City right-of-way)

- *4' minimum subway width between curb and sidewalk for planting of any tree with root barriers; 5' minimum subway width without root barriers*
- *Tree may be planted behind sidewalk, within right-of-way, provided proper spacing requirements are followed*
- *Tree pits should have roughly 35 square feet of surface area such as 6'x6', 5'x7', or 4'x8' unless structural soil is used under surrounding paved area*
- *No raised planters for trees*
- *Trees may be planted under wires to mature at 25' or less*
- *Impacts on sight distances should be considered*

Private Tree Planting Standards

- *Acceptable tree species shall be determined by Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>*
- *Impacts shall be considered on sight distances*
- *Trees shall be a minimum of 10 feet from a property line*
- *There shall be no underground utilities within five feet of any proposed tree*
- *15' minimum spacing from utility/light poles, fire hydrants*
- *5' minimum distance from any driveway, 3' minimum distance from any sidewalk*
- *Trees shall not be planted in front of building entrances*

Park Tree Planting Standards:

- *Acceptable tree species shall be determined by Tree Board by referencing American Standard Nursery Stock and <http://woodyplants.cals.cornell.edu/home>*
- *Impacts shall be considered on sight distances*
- *The trees shall be a minimum of 10 feet from a property line*
- *There shall be no underground utilities within five feet of any proposed tree'*
- *15' minimum distance spacing from utility/light poles, fire hydrants*

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- *5' minimum distance from any driveway, 3' minimum distance from any sidewalk*
 - *Trees shall not be planted in front of building entrances*
- (c) *Any person aggrieved by the action of the common council on application for a permit may apply to the common council, within 15 days of the issuance of such permit or its denial, for a hearing which shall be held not less than two nor more than four weeks from the date of request for hearing. Notice of public hearing shall be given to the applicant by mail and shall be published once in the Olean Times Herald.*
- (d) *At the time of the hearing, the common council shall hear all persons wishing to be heard on the application. In its decision on the application for a permit, the common council may take into account and consider the effects of the proposed action on the environment; the neighboring properties; and the safety, health, and welfare of the residents of the community generally.*

Sec. 21-58 Tree trimming—Required of property owners.

All persons owning property in the City abutting upon any street and upon which there are shade trees along such street shall clean out the dead limbs and otherwise trim such trees so that the same will not become dangerous to, obstruct, or interfere with public travel or pedestrians.

Sec. 21-59 Same—Notice.

All persons required by notice from the director of public works to trim trees, as required under this article, must proceed to do so within 10 days after receiving such notice.

Sec. 21-60 Same—Failure to do so.

In case of failure to trim trees, as required under this article, the director of public works is hereby authorized to do so, and the expense thereof shall be collected from the owner or occupant in the usual or ordinary way by suit and shall become a lien upon the premises.

Sec. 21-61 Same—Permit required by utilities.

Unless acting under a contract with the City, or unless there be a bona fide emergency, no tree shall be trimmed by any utility company without such utility company's having obtained a permit from the common council of the City. Utility companies desiring to obtain such permit may make application to the common council which shall contain its plan for the trimming and/or topping of trees. The permit shall be for a term of one year and may contain such reasonable conditions pertaining to the health and welfare of the citizens of the City as may be deemed appropriate to the circumstances. The common council shall act upon each permit application within 60 days of its receipt.

Sec. 21-62 Tree Removal – Required of property owners.

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If any person owning property in the City abutting upon any street and upon which there is a tree which has been deemed by the Tree Board to be dangerous to, obstructing, or interfering with public travel or pedestrians, shall have thirty (30) days to EITHER have the tree removed by an insured contractor OR pay to the City of Olean one half (1/2) of the total cost for the City of Olean to remove said tree. If the tree has not been properly removed or the City not paid within thirty (30) days, the City of Olean will cause to have the tree removed and one half (1/2) of the total cost shall be collected from the owner in the usual or ordinary way by suit and shall become a lien upon the premises.

Sec. 21-63 Tree Removal – Not required by tree board.

If any person owning property in the City abutting upon any street and upon which there is a tree who desires to remove a tree in this right-of-way must request permission from and obtain required approvals from the Tree Board. In the event that the Tree Board denies such request for approval to remove a tree in the right-of-way, the property owner may appeal the decision to the Common Council within fifteen (15) days of the rendered decision of the Tree Board, and the Common Council will review said appeal by their next regularly scheduled meeting.. Approval to remove the tree granted by the Tree Board (or Common Council, upon appeal) does not exempt the property owner from obtaining necessary permits from the Department of Public Works. A licensed contractor must perform the work required to remove the tree, and removal of a tree not deemed required for the public welfare or safety by the Tree Board will be done solely at the property owner's expense.

**Sec. 21-64 Poplar trees prohibited.
[Code 1971, § 26-28]**

No poplar trees shall be placed in the subways of the City, and all poplar trees are hereby declared to be a nuisance and shall be removed by the owners thereof upon 15 days' notice from the director of public works.

Sec. 21-64 through Sec. 21-80. (Reserved)

BE IT FURTHER RESOLVED, that Chapter 22, Article VI, Section 22-141 is hereby amended as follows:

Sec. 22-141 Landscaping.

- (a) Adequate site landscaping may be required of the subdivider on any lands developed in the city. The common council shall notify the subdivider after the sketch plan has been reviewed if a specific landscaping plan is required. When required, the landscaping plan shall designate plant species and locations.*
- (b) Street shade trees shall be provided along all new streets. Trees shall be planted to meet Chapter 21, Article II, Section 21-57 requirements for tree planting, so as not to interfere with utilities, roadways, sidewalks, sight distances, or street lights.*
- (c) At least one tree shall be planted within each lot in a subdivision. Trees planted within private lots shall be outside the road or utility rights-of-way and easements, in accordance with the following provisions:*
 - (1) Impacts shall be considered on sight distances.*
 - (2) The trees shall be a minimum of 10 feet from a property line.*
 - (3) There shall be no underground utilities within five feet of any proposed tree.*

RESOLVED, that this Resolution is hereby effective immediately.
ROLL CALL, AYES ALL. MOTION CARRIED.

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ADJOURNMENT

Motion to adjourn was made by Alderman Crawford, seconded by Alderman Gonzalez. Voice vote, ayes all. Motion carried. Meeting adjourned at approximately 7:10 p.m.

Lens Martial, City Clerk

Mayor William J. Aiello

John Crawford, Council President

I hereby approve the foregoing minutes

Dated: ____ / ____ / ____

***STATE OF NEW YORK
COUNTY OF CATTARAUGUS
CITY OF OLEAN***

I, Lens Martial, City Clerk of the City of Olean, do hereby certify that the foregoing minutes of the Common Council of the City of Olean is the true and correct copy of the whole thereof.

Lens Martial, City Clerk